

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CLYDE BENNETT, JR., WILBUR  
CHARLES BENNETT,

Plaintiffs,

v.

STEVEN G. MCCARTER, WALTER E.  
PEARCE,

Defendants.


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CIVIL ACTION NO. 2:19-CV-00404-JRG

**ORDER**

Before the Court is Defendant Walter E. Pearce's Rule 12(b)(6) Motion to Dismiss and Brief in Support Thereof (the "Motion"). (Dkt. No. 7.) In light of Plaintiffs' subsequent First Amended Complaint (Dkt. No. 8), the Court **DENIES** the Motion **AS MOOT**.

**So ORDERED and SIGNED this 22nd day of June, 2020.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE